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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,946	03/11/2004	Vincent P. Walker	00216-656001 / Case 8126	8017

26161 7590 12/20/2006
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EXAMINER

MICHALSKI, SEAN M

ART UNIT	PAPER NUMBER
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3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/20/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/799,946

Applicant(s)

WALKER ET AL.

Examiner

Sean M. Michalski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24,28-30,33-43 and 81-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24,28-30,33-43 and 81-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Claims 25-27, 31, 32, and 44-80 have been cancelled. Claims 1-24, 28-30, 33-43 and 81-89 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 6, 9, 10, 11, 15, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. (6,185,823) as in the previous non-final action (08/14/2006).

Claims 81- 84 and 86 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. (6,185,823).

Regarding claim 81, Brown discloses 'top' and 'bottom' surfaces and a first cutting region and a second cutting region as seen below.

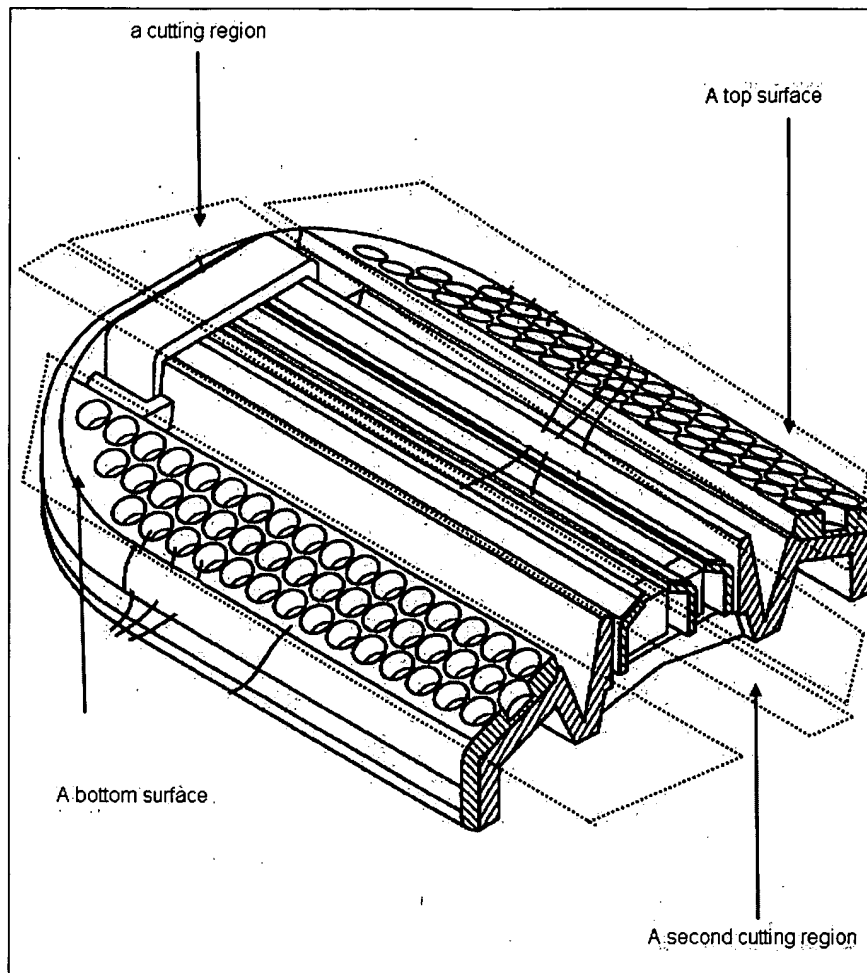


Figure 1

Regarding claim 82, the rear edge of the housing (lower left, as above) is along the trimming blade. (while it is noted that the lower left edge was defined as the 'front' edge instead of the rear edge, both definitions would have been acceptable to the reference. 'front' and 'rear' edge designation is merely an issue with nomenclature).

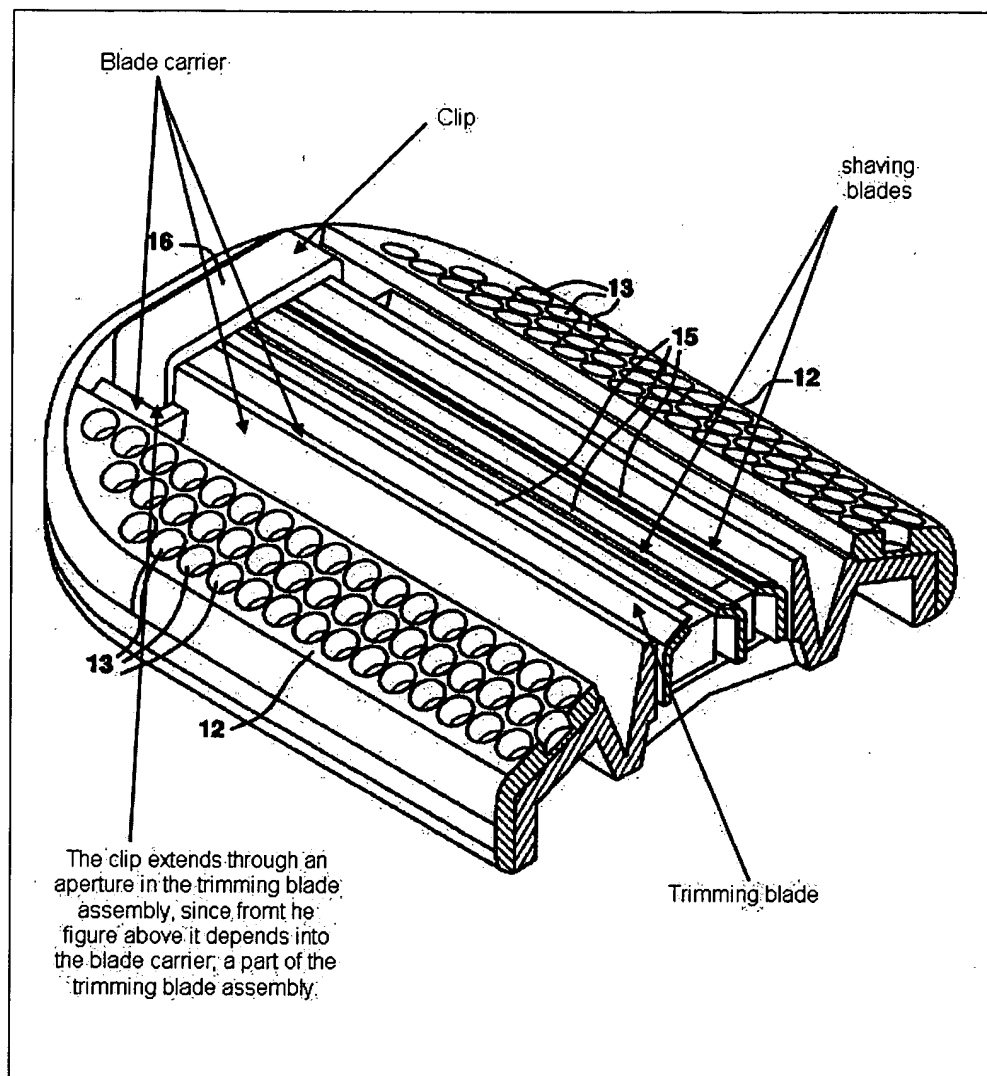


Figure 2

The claims do not recite or imply that the trimming blade may not be the same as and be included in the recitation 'shaving blades'. However, it should be clear from the above figure, that in either case the claims are anticipated by Brown.

Regarding claim 83, the blade carrier as above receives the leg.

Regarding claim 84, the trimming blade is positioned outside of the cutting region. The two blades facing the same direction may be properly characterized as the

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'shaving blades', (since they shave) and the one blade opposed to them may be characterized as a "trimming blade". The "cutting region" of the "shaving blades" begins with the edge of the center blade, and extends in a direction towards the top surface, (alternatively away from the rear surface) since when the shaving blades are shaving, the trimming blade is not operative and is not trimming it is not part of the cutting region. The propriety of this interpretation can be seen by placing oneself in the position of one of ordinary skill looking at the Brown reference. Seeing the reference, and thinking, "what area would be cutting when the razor was moved from upper right to lower left (in the above figure or in figure 14)" would surely elicit the above definition of cutting region. The fact that there is a second cutting region defined by the trimming blade and extending away from the top surface does not alter the presence of a first cutting region. The cutting regions are so defined since they are only directionally operative.

Regarding claim 86, if the trimming blade was extended in it's plane, it would not intersect the 'top surface'. There is at least a component vector of the direction of the trimming blade which is away from the top surface. See figure below:

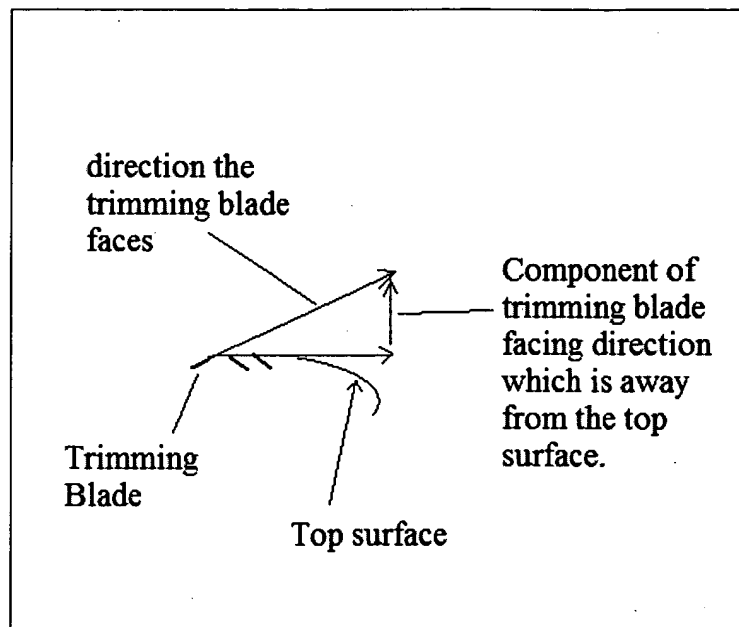


Figure 3

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 5, 7, 8, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. in view of Anderson et al.(USPN 5,761,814) as in the previous non-final action (08/14/2006).

6. Claims 13, 14, 16-21, 30, and 33-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Anderson as applied to claims 3, 5, 7, 8, and

12 above, and further in view of Parmley, as in the previous non-final action (08/14/2006). The recitation as to the trimming blade "comprising a blade carrier and a trimming blade" does not alter the propriety of the rejection.

7. Claims 85, and 87-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Anderson, and further in view of Parmley as applied to claims 13, 14, 16-21, 30, and 33-43 as in the previous non-final action (08/14/2006).

Regarding claim 85, brown shows the leg going into the blade carrier; see figure 2 above.

Regarding claim 87, See figure 1 above.

Regarding claim 88, the rear edge of the housing (lower left, as in figures 1 and 2) is along the trimming blade. (while it is noted that the lower left edge was defined as the 'front' edge instead of the rear edge in the previous action, both definitions would have been acceptable to the reference. 'front' and 'rear' edge designation is merely an issue with nomenclature).

Regarding claim 89, The trimming blade of Brown is outside of the cutting region, it is located in the second cutting region. See Figure 1 above.

8. Claims 22, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Anderson further in view of Parmley as applied to claims 13-14, 16-21 and 30 above, and further in view of Rozenkranc (USPN 6,276,061) as in the previous non-final action (08/14/2006).

9. Claim 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Rozenkranc (6,276,061).

Assume arguendo that Brown does not teach a trimming blade which faces away from the "top surface"

Rozenkranc teaches having a trimming blade 4 face away from a top surface (the top surface being either 5 or 6, since both are proximal to the shaving blades 3 in Rozenkranc)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brown by having the trimming blade be oriented in a direction away from the top surface, so that the user would have multiple options when positioning the razor.

Response to Arguments

10. Applicant's arguments filed 11/14/2006 have been fully considered but they are not persuasive.

In response to the allegation that examiner has double counted the blades; 1.) this is not the case, since as in the figures above it is clear that there are two sets of blades one designated 'shaving blades' and one designated 'trimming blades'. 2.) Claim 1 does not recite that the trimming blade may not be one of the shaving blades, this only becomes a limitation in certain dependent claims when the structure or positioning of each is claimed divergently enough to repudiate the broad claim requiring a trimming blade and several shaving blades. The blades are all capable of shaving and 'trimming' and so they may be designated any way which is reasonable.

With regards to applicants contention that the shaving surface of figure 12 is not a cutting region, Examiner disagrees. As discussed above, the cutting region defined here for clarity is the region extending from the edge of the middle blade towards the top surface or alternatively, the region extending from the edge of the middle blade in a direction away from the rear surface.

Since the base claims are not allowable, the allegation that claims dependent therefrom are allowable is moot.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMM



KENNETH E. PETERSON
PRIMARY EXAMINER